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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 0527
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RUEHKO/AMEMBASSY TOKYO 5174
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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000904

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STATE FOR EAP, IO AND DRL
PACOM FOR FPA
US MISSION GENEVA FOR LABOR ATTACHE

E.O. 12958: DECL: 09/19/2017
TAGS: ELAB PGOV PREL PHUM BM
SUBJECT: ILO DISCUSSES GOB ACTION ON FORCED LABOR

REF: A. RANGOON 897

1B. RANGOON 840
1C. RANGOON 761

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d)

11. (C) Summary. Since the February signing of the GOB-ILO Forced Labor Mechanism Agreement, the Burmese Government has investigated 10 cases of forced labor involving the military, resolving five of them. According to the ILO, the GOB resolved the cases involving children first, but has yet to clarify cases involving forced conscription of adults and military portering. The ILO will conduct another joint investigation into a community labor case on September 19 in lower Rangoon Division, and ILO Liaison Officer Steve Marshall plans to educate locals and township officials on what constitutes forced labor. In an effort to show cooperation with the ILO, the GOB recently approved the visa extension for the ILO's second expatriate staff member, which Marshall believes the GOB will highlight in the November ILO Governing Body meeting. End Summary.

Taking Some Action Against the Military

12. (C) In a meeting on September 17, ILO Liaison Officer Steve Marshall told us that there have been some positive outcomes since the February 2007 signing of the forced labor mechanism agreement. While most of the complaints received by the ILO involve community demands for labor, the ILO has received ten complaints of forced labor involving the military in the past seven months. Most of these cases involve the military using local Burmese as porters for military operations (Ref C), forced conscription, and child labor. Following ILO procedure, Marshall and his staff thoroughly investigated these complaints before they brought them to the GOB for action. In all ten instances, Marshall found compelling evidence of military involvement.

13. (C) The government has begun investigations into all ten cases, Marshall informed us, and has resolved five of them.

The cases involving children were settled first, he noted. The government located the children and returned them to their families within a week of hearing of a case, which Marshall has confirmed with the families. Several military officials have been punished for their use of children, government officials have reported to Marshall, and one soldier is facing court martial. Marshall told us that the government has been less responsive on complaints involving adults, including forced conscription and portering cases. He continues to inquire about the status of these cases, and has offered to conduct joint investigations with the GOB. While the government allows him to investigate cases of forced community labor, Marshall has not received the same level of cooperation on cases that involve the military.

¶4. (C) Marshall informed us of his plans to request access to the conflict areas during the October renegotiations of the ILO-GOB forced labor agreement. The ILO does not receive many complaints of labor violations from these areas because it is too difficult for people to leave, and ILO officials cannot conduct investigations there because of GOB travel restrictions. Forced labor occurs in these areas, conducted primarily by the military, Marshall asserted. Allowing the ILO into these areas would show that the GOB is truly serious about combating forced labor practices, he opined.

Another Investigation Trip

¶5. (C) Noting the success of his last joint investigation trip with Ministry of Labor officials, Marshall informed us he will travel to Tawngwa Township in lower Rangoon Division (three hours southeast of Rangoon) on September 19 for another investigation into a community labor case. Based on

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the information available, he expected the case to be similar to the ones the ILO dismissed earlier this month (Ref B), where local officials demanded that community members work on a project instead of requesting their assistance. After talking with complainants, others involved in the incident, and local officials, Marshall plans to hold training sessions for residents, township officials, and police to define forced labor and to explain that participation in community projects is voluntary. Unless additional information was uncovered, he informed us, the ILO would likely rule that this complaint did not constitute forced labor.

Extension of ILO Staff's Visa

¶6. (C) In an effort to show how the GOB is cooperating with the ILO, Ministry of Foreign Affairs officials on September 17 approved the visa extension for the ILO's additional expatriate staff member. Per the original contract, the Thai human rights lawyer, who arrived in July, was to depart Burma by the end of September. Marshall told us that the MOFA extended her visa through the end of 2007, and is considering renewing the position for 2008. Marshall is working with the government to make the position permanent, and hopes that he will have approval before the November ILO Governing Body meeting. "That way the government has a deliverable at the ILO meeting. Officials can say they approved the doubling of the ILO's international staff," Marshall stated.

Comment

¶7. (C) Although there are some positive developments in ILO-GOB cooperation, the GOB narrowly defines the parameters of ILO operations in Burma. For instance, they rejected Marshall's criticism of lengthy prison terms given to labor activists (Ref A). We support Marshall's efforts to strengthen the ILO-GOB forced labor mechanism and gain access to conflict zones, but no one should consider that one additional ILO staff member suffices to offset the continuing

allegations of forced labor by the military or the
restrictions on core labor principles, like freedom of
association.

VILLAROSA